



Austria

Country Reports on Human Rights Practices - [2001](#)

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Austria is a constitutional democracy with a federal parliamentary form of government. Citizens choose their representatives in periodic, free, and fair multiparty elections. In February 2000, a right-of-center coalition came to power, comprised of the conservative People's Party (OVP) and the rightist Freedom Party (FPO). The judiciary is independent.

The police are subject to the effective control of the executive and judicial authorities. The national police maintain internal security, and the army is responsible for external security. The police are well trained and disciplined; however, there were reports that police committed some human rights abuses.

The country's highly developed, market-based economy, with its mix of technologically advanced industry, modern agriculture, and tourism, affords the approximately 8.1 million citizens a high standard of living. The per capita gross national product was \$24,315 in 2000.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. There were some reports of abuse by police, which involved occasional beatings but mainly involved verbal abuse, threats, and harassment. Stringent slander laws were criticized as detrimental to press reporting. The Government passed a media reform bill to make the oversight board for the state radio and television company more independent of political influence; however, the board continued to be dominated by political appointees. There was some governmental and societal discrimination against members of some nonrecognized religious groups, particularly those considered to be "sects". Violence against women was a problem, which the Government took steps to address. Interior Ministry statistics for 2000 showed a decrease in the number of official complaints of neo-Nazi, rightwing extremist, and xenophobic incidents. Trafficking in women for prostitution remained a problem, which the Government took steps to combat.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. In the past, some detainees have died while in police custody; however, there were no such reports during the year.

In May 2000, Richard Ibekwe died while in pretrial custody for suspected drug offenses. An official autopsy confirmed that Ibekwe died of a drug overdose, but due to allegations of police brutality, an internal investigation into Ibekwe's death was opened. In February the case officially was closed for lack of evidence and charges against the police officers were dropped.

The investigation into the death in May 2000 of a Slovakian man while in police custody concluded with a finding of no fault on the part of the police.

In May 1999, an unsuccessful Nigerian asylum applicant died while being deported; his hands and feet were cuffed and his mouth was taped shut to control his violent behavior. The trial of three police officers involved in

the death was pending at year's end (see Section 2.d.).

The request by the Austrian Justice Ministry for the extradition of terrorist Illich Ramirez Sanchez (alias "Carlos the Jackal") from France has been pending since 1994. Sanchez is wanted on charges of manslaughter, kidnaping, and blackmail in connection with the terrorist attacks at Vienna's Organization of Petroleum Exporting Countries (OPEC) headquarters in December 1975. In 1999 French authorities rejected the Government's request for extradition. No progress was made during the year to secure Sanchez's extradition.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were occasional reports that at times police beat and otherwise abused persons. Government statistics for 2000 showed 373 complaints against federal police officials for "unjustified use of force", compared with 365 in 1999. Types of abuse ranged from slander to kicking and hitting, which resulted mainly in bruising. Some of the violence appeared to be racially motivated. An Interior Ministry survey conducted in 2000 on the "ethics of police conduct" revealed that half of the 2,000 policemen interviewed stated that they would not report their colleagues in cases of misconduct. In 2000 four police officers were convicted for the use of unjustified force.

NGO's and other groups continued to criticize the police for targeting minorities. In April the European Commission Against Racism and Tolerance released a report that was critical of police treatment of black Africans (see Section 5). During the year, the Interior Ministry's racial sensitivity training programs for police and other officials were conducted through the Anti-Defamation League on a limited basis (see Section 5).

In December 2000, three policemen gagged a Chinese detainee, Ma Haibin, while he was being deported as an illegal alien. In May the Carinthian state prosecutor decided to drop the charges against the officers; human rights advocates criticized the decision.

In May 1999, an unsuccessful Nigerian asylum applicant died while being deported; his hands and feet were cuffed and his mouth was taped shut to control his violent behavior (see Section 2.d.).

In 1999 the Interior Ministry created a committee to ensure that the police and gendarmerie respected human rights while carrying out their duties. Since its founding, the committee has issued 4 reports, including 92 recommendations regarding the improvement of human rights in the country (see Section 2.d.). The Government adopted many of the Committee's recommendations; for example, the publication of the Committee's report on deportation led to a reform of the Government's deportation procedures.

Prison conditions generally meet international standards. Male and female prisoners are held separately, as are adults and juveniles. Pretrial detainees are held separately from convicted criminals.

The Government permits prison visits by independent human rights monitors. In individual cases, prison directors or judges have jurisdiction over questions of access to the defendant.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions.

In criminal cases, the law provides for investigative or pretrial detention for up to 48 hours; an investigative judge may decide within that period to grant a prosecution request for detention of up to 2 years pending completion of an investigation. The grounds required for such investigative detention are specified in the law, as are conditions for bail. The investigative judge is required to periodically evaluate an investigative detention. There is a system of bail.

The law prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The Constitution provides that judges are independent in the exercise of their judicial office. Judges cannot be removed from office or transferred against their will. There are local, regional, and higher regional courts, as well as the Supreme Court as the court of highest instance. While the Supreme Court is the court of highest instance for the judiciary, the Administrative Court acts as the supervisory body over the administrative branch, and the Constitutional Court presides over constitutional issues.

The Constitution provides for the right to a fair trial and an independent judiciary generally enforces this right. The system of judicial review provides for extensive possibilities for appeal. Trials have to be public, and have to be conducted orally. Persons charged with criminal offenses are considered innocent until proven guilty.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, the Government generally respects these prohibitions in practice, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press, and the Government generally respected this right in practice; however, stringent slander laws tend to discourage reports of police brutality, and foreign observers--including the European Court of Human Rights--criticized the use of libel procedures to protect politicians, which they argue hampered freedom of speech and the press. For example, since 1986 Joerg Haider, Governor of Carinthia and former FPÖ national leader, has engaged in over 350 libel suits against media outlets and individuals. A conviction for libel by a criminal court cannot be appealed to the Supreme Court. Judgments for appeals are handed down by an appeals court, which does not rely on case law for its decisions; that has resulted in claims that appeals courts were inconsistent in their judgments on libel cases. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases are extremely rare.

In 2000 several FPÖ politicians were accused of paying police officers to obtain confidential information in order to discredit opponents of the FPÖ. In May the cases against 8 of 20 FPÖ-affiliated policemen in Vienna were dropped due to insufficient evidence. Ten cases remained pending at year's end. By year's end, of 13 original charges filed against the Vienna FPÖ leader Hilmar Kabas, 9 had been dropped. Critics claim that justice authorities were not actively pursuing the investigation due to the involvement of politicians connected with the Government. A number of officers were suspended pending the completion of the investigation.

The small print media consists of 16 dailies, 6 of which receive direct subsidies from the Government. In 2000 a merger of two of the largest print media groups resulted in the establishment of one company, referred to as NewsGroup, which controls 55 percent of the market in daily newspapers and 70 percent of the magazine market. This market concentration led to complaints of a print media monopoly. The country's largest daily also owns the only private nationwide radio station.

There are 34 commercial and 12 community radio stations. By mid-year, 77 percent of citizens listened to state-run radio stations, and 20.9 percent listened to private stations. On August 1, the Government passed a new law governing the regulation of public broadcast media. The law governs the oversight board for the state radio and television company, with the cited goal of making it more independent of political influence; however, critics contend that the board continued to be dominated by political appointees. In August the Government began permitting global frequencies for private television stations. In November the Government received 22 bids for 3 regional and 1 nationwide global television licenses; the licenses were pending at year's end. The first private terrestrial (land-based) television station is expected to begin broadcasts in mid-2002.

The Government does not restrict access to the Internet.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. However, the Law on the Formation of Associations states that permission to form an organization may be denied if it is apparent that the organization would pursue the illegal activities of a prohibited organization, such as Nazi organizations; there were no such denials during the year.

Regular peaceful demonstrations against the OVP/FPO Government continued throughout the year.

c. Freedom of Religion

The Constitution provides for freedom of religion and the Government generally respects this right in practice.

Religious organizations may be divided into three different legal categories (listed in descending order of status): Officially recognized religious societies, religious confessional communities, and associations. Religious recognition under the law has wide-ranging implications, such as the authority to participate in the state-collected religious taxation program; to engage in religious education; and to bring in religious workers to act as ministers, missionaries, or teachers. Under the law, religious societies have "public corporation" status. This status permits religious societies to engage in a number of public or quasi-public activities that are denied to other religious organizations. The Constitution singles out religious societies for special recognition.

The law also allows nonrecognized religious groups to seek official status as confessional communities without the fiscal and educational privileges available to recognized religions. Confessional communities must have at least 300 members, and once they are recognized officially as such by the Government, they have juridical standing, which permits them to engage in such activities as purchasing real estate in their own names and contracting for goods and services. A religious organization that seeks to obtain this status is subject to a 6-month waiting period from the time of application to the Ministry of Education and Culture. The law also sets out additional criteria for eventual recognition such as a 20-year observation period, at least 10 of which must be as a group organized as a confessional community and membership equaling at least two one-thousandths of the country's population. Many religious groups and independent congregations do not meet the 300-member threshold for registration as a confessional community, and only Jehovah's Witnesses meet the higher membership requirement for recognition under the law.

The nine religious groups that have constituted themselves as confessional communities according to the law are: Jehovah's Witnesses, the Baha'i Faith, the Baptists, the Evangelical Alliance, the Movement for Religious Renewal, the Pentecostals, the Seventh-Day Adventists, the Coptic Orthodox Church, and the Hindu religious community. After initially filing for confessional community status, the Church of Scientology withdrew its application from consideration in 1998. The Ministry rejected the application of the Sahaja Yoga group. In 1998 the group appealed the decision to the Constitutional Court; a decision still was pending on this case at year's end. Numerous religious groups not recognized by the State, as well as some religious law experts, dismiss the purported benefits of obtaining status under the law and have complained that the law's additional criteria for recognition obstruct claims to recognition and formalize a second-class status for nonrecognized groups. Experts have questioned the law's constitutionality.

After the Education Ministry granted Jehovah's Witnesses the status of Confessional Community in 1998, the group immediately requested that it be recognized as a religious group. The Education Ministry denied the application on the basis that, as a confessional community, Jehovah's Witnesses would need to submit to the required 10-year observation period. The group has appealed this decision to the Constitutional Court, arguing that a 10-year observation period is unconstitutional. In April the Constitutional Court upheld the Education Ministry's decision. Jehovah's Witnesses filed an appeal with the Administrative Court, arguing that the law is illegal on administrative grounds. In 1998 Jehovah's Witnesses also filed a complaint with the European Court for Human Rights, arguing that the group has not yet been granted full status as a religious entity under the law, despite having made numerous attempts for more than 2 decades. Decisions in both cases remained pending by year's end.

Religious organizations that do not qualify for either religious society or confessional community status may apply to become associations. This status is granted relatively freely, although associations do not have legal standing and are unable to purchase property, churches, or engage in other activities permitted to the other two legal categories.

The Government continued its information campaign against religious sects that it considered potentially harmful to the interests of individuals and society. In 1999 the Ministry for Social Security and Generations issued a new edition of a controversial brochure that described numerous nonrecognized religious groups in negative terms, which many of the groups deemed offensive. This brochure includes information on Jehovah's Witnesses, despite its status as a confessional community. The Federal Office on Sects continued to collect and distribute information on organizations considered sects. Under the law, this office has independent status,

but its head is appointed and supervised by the Minister for Social Security and Generations.

The Governor of Carinthia, Joerg Haider, repeatedly has made intolerant and anti-Semitic statements, including verbal attacks against the head of the Jewish community, Ariel Muzicant, and a prominent Jewish-American campaign advisor to the Vienna local elections in March. Although Haider repeatedly follows such statements with expressions of regret, his statements contribute to the widespread belief that he and some extreme elements of the FPÖ have contributed to a climate of intolerance in the country (see Section 5). Muzicant has filed several lawsuits against Haider for slander as a result of the comments. In May he won a preliminary court order in one suit; the rest of the cases were pending at year's end.

In April 1999, the ÖVP convention formally accepted a decision made by the party's executive board in 1997 that party membership is incompatible with membership in a sect.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice.

The law includes provisions for granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government subscribes to the "safe third country" concept, which requires asylum seekers who enter illegally to depart and seek refugee status from outside the country. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In response to continuing criticism by the office of the UNHCR and other humanitarian organizations, in 1997 the Government passed an amendment to the 1991 asylum law designed to bring some improvements to the "safe country" rule and the appellate procedure. The UNHCR and other humanitarian organizations approve of the asylum law, but there still is some dissatisfaction with its implementation. A 1999 amendment to the asylum law, which authorizes the Ministry of Interior to draw up a "white list" of "safe third countries," drew sharp criticism from human rights and refugee advocacy groups, on the grounds that it compromises the principle of individual investigation of claims. This principle was upheld in February 1999 and March 2000 rulings, when the High Court reversed a denial of asylum made on the basis of the "safe third country" rule. The asylum law was amended again in July, but included only minor procedural improvements; for example, asylum-applicants may be granted temporary residency rights until their cases are processed (renewals every 3 months are no longer necessary), and the legal age limit has been lowered from 19 to 18.

In principle asylum applicants are entitled to federal assistance for food, shelter, and medical care; however, the Federal Care Provisions Act specifically states that there is no corresponding legal right for applicants. The result is that asylum applicants denied assistance have no legal recourse to acquire benefits. The Government grants assistance to only one-third of all asylum applicants who face financial hardship; one-third are forced to rely on charitable assistance, and the remaining applicants abandoned their applications and are believed to have left the country to apply for asylum elsewhere. The care of unaccompanied minor asylum seekers also has been inadequate. Asylum seekers whose claims have been rejected by the Federal Asylum Office may appeal to the independent Federal Asylum Senate; the Administrative Court is the court of last instance.

Of the estimated 95,000 Bosnian refugees who arrived between April 1992 and July 1993, the Government provided temporary protected status (TPS), similar to first asylum, to 47,000, which made them eligible to receive government assistance without having to file asylum applications. Most of the other 48,000 refugees were deemed to have other means of support, either from families already present in the country or from NGO's. The overwhelming majority of all Bosnian refugees have been integrated into the labor market. They hold "guest worker" status, which means that their residency permit is evaluated each year on the basis of the country's overall labor demand. Many of the refugees have chosen voluntarily to return to their homeland, a process that continued during the year. The Government's program of assistance for Bosnian war refugees in TPS expired on July 31, 2000. Approximately 300 Bosnian refugees formerly in TPS remained in the country and are being supported by the social welfare system.

During the Kosovo crisis, the country accepted an estimated 10,000 to 15,000 refugees. A total of 5,080 Kosovar Albanians were evacuated directly from Macedonia and admitted to Austria under cover of TPS. The immigration law was modified to allow Kosovar Albanians already in the country in a variety of statuses to extend their stay. A program of assistance for Kosovar refugees, which began in April 1999, ended in July 2000. At that time, the Government decided to secure further residence rights for the approximately 1,200 Kosovar Albanians that remained in the country in a variety of statuses. In addition residence rights were extended to those needing protection, immediate relatives of guest workers who had benefited from the original assistance program under either TPS or asylum, and Kosovars who had stayed in the country until July 2000 under either TPS or asylum—provided that one immediate family member was integrated into the labor market. According to June statistics, a total of 1,934 Kosovo-Albanians in the country had applied for

humanitarian residence status temporarily until new immigration quotas become available.

Asylum applications in 2000 decreased by 9.1 percent to a total of 18,280, compared with 20,100 in 1999. In 2000 authorities approved 1,002 applications and denied 4,787 requests; government statistics show 3,393 approvals and 3,300 denials in 1999. The official approval rate for 2000 was 17.3 percent or 20 percent, including nonrefoulement decisions, compared with 50.7 or 44.7 percent in 1999. In 2000 the biggest groups of applicants were from Afghanistan (4,205), Iran (2,559), India (2,441), Iraq (2,361) and the Federal Republic of Yugoslavia (1,486). In the first half of the year, the Government received 14,995 asylum applications, almost double the 8,031 applications received in the same period in 2000. Citizens from Afghanistan filed 4,975 of these applications.

On October 7, when military action commenced in Afghanistan, the Government suspended processing of asylum applications filed by citizens of Afghanistan. Of the 11,465 applications from Afghans filed prior to October, 6,211 were filed in the country and 5,254 were received by Austrian embassies abroad, primarily in Teheran and Kabul.

In May 1999, an unsuccessful Nigerian asylum applicant, Marcus Omofuma, died after being physically restrained for violent behavior while being deported to Lagos via Sofia, Bulgaria (see Section 1.a.). The incident prompted a complete review of internal procedures regarding deportations. Two of the three police officers who accompanied Omofuma were suspended; however, the suspension was lifted in February. Authorities ruled that three policemen on duty at the time should be tried for abuse of a prisoner; legal action is expected to begin in 2002. In July 1999, the Interior Ministry created the Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGO's, to ensure that the police and gendarmerie respect human rights while carrying out their duties. In addition the Ministry announced a new policy requiring that all potentially violent individuals be deported on chartered aircraft, rather than on commercial flights. In March the Constitutional Court ruled against the Administrative Arbitration Board for rejecting civil charges, filed on behalf of Omofuma's daughter, that stated that Omofuma's human rights were violated, and returned the case to the Administrative Board for review.

In August the Human Rights Advisory Council released a report criticizing the conditions of deportation detention for minors. The Council's report to the Ministry of Interior included recommendations to correct the implementation of existing legal provisions or to amend the law; the Council was reviewing the Government's implementation of those recommendations at year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held in October 1999, in which the Social Democrats (SPO) won 65 seats in Parliament, the FPO 52, the OVP 52, and the Green Party 14. In February 2000, the OVP and FPO formed a right-of-center coalition government, headed by the OVP, that gave them an absolute majority in Parliament. This coalition received widespread criticism due to the nature of the FPO, which has been characterized by many observers as a "right wing populist party with radical elements."

The percentage of women in government or politics does not correspond to their percentage of the population. Approximately 27 percent of the Members of Parliament and 5 of 16 cabinet members are female.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. In some cases, they have been dissatisfied with the information that the authorities have supplied in response to specific complaints. There have been no reports of discrimination against organizations that report on human rights.

Following the inclusion of the FPO in the Government, several NGO's expressed concern that the country's climate of tolerance and respect for ethnic and religious diversity would worsen. In 2000 a group of 3 human rights experts, accepted by the other 14 European Union (EU) member states, conducted a review of the rights of minorities, refugees, and immigrants in the country. Their report, published in September 2000, concluded that appropriate legal protection was available for minorities.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law provides for protection against any of these types of discrimination in employment, provision of welfare benefits, and other matters, and the Government generally enforced these provisions effectively.

Women

Violence against women remained a problem. There are no accurate statistics available on the number of women abused annually, but it is believed to be a widespread problem. Police and judges enforce laws against violence; however, it is estimated that less than 10 percent of abused women file complaints. The Association of Houses for Battered Women has estimated that one-fifth of the country's 1.5 million adult women has suffered from violence in a relationship. In 1999 legislators passed an amendment to the 1997 Law on the Protection Against Violence in the Family, extending the period during which police can expel abusive family members from family homes. In 2000 an injunction to prevent abusive family members from returning home was applied in 3,354 cases. The Government also sponsors shelters and help lines for women.

Trafficking in women was a problem (see Section 6.f.). While prostitution is legal, trafficking for the purposes of prostitution is illegal.

Of the 850 cases brought to the Ombudsmen for Equal Opportunity in 2000, 142 were complaints of sexual harassment. The Federal Equality Commission, as well as the Labor Court, can order employers to compensate victims of sexual harassment.

The Government's coalition agreement contained a detailed section advocating the equal rights and opportunities for women. Most legal restrictions on women's rights have been abolished. A Federal Equality Commission and a Federal Commissioner for Equal Treatment oversee laws prescribing equal treatment of men and women. In October 2000, the FPO replaced Social Security and Generations Minister Elisabeth Sickl with FPO Member of Parliament Herbert Haupt. Haupt has been criticized widely for devoting Ministry resources to a new department dealing with discrimination faced by men. The Government has received extensive criticism for replacing the head of this ministry, which oversees women's affairs, with a man.

In 1994 the European Court of Justice ruled that the country's law prohibiting women from working nights was not permissible and gave the Government until the end of the year to adapt its legislation to gender-neutral EU regulations. In January 1998, legislation went into effect that required collective bargaining units to take action by the end of the year to eliminate restrictions on nighttime work for women, and on December 31, the legislation banning nighttime work for women expired. EU legislation is expected to take effect in 2002.

An estimated 60 percent of women between the ages of 15 and 60 are in the labor force; however, a report published by the European Commission in July found that women in the country on average earn 31 percent less than men. Women are more likely than men to hold temporary positions and also are disproportionately represented among those unemployed for extended periods of time. In September 2000, the U.N. Committee on Elimination of Discrimination Against Women released a report criticizing the Government's treatment of women, including its decision to abolish the Federal Women's Affairs Ministry and fold its portfolio into the Ministry of Social Affairs and Generations. The Committee was particularly concerned about immigrant women's access to employment.

Although labor laws provide for equal treatment for women in the civil service, women remain underrepresented. To remedy this circumstance, the law requires hiring women of equivalent qualifications ahead of men in civil service areas in which less than 40 percent of the employees are women; however, there are no penalties for failing to attain the 40 percent target.

Female employees in the private sector can invoke equality laws prohibiting discrimination of women; the Federal Equality Commission may award compensation of up to 4 months' salary if women are discriminated against in promotions because of their sex. The Commission also may order legal recompense for women who are denied a post despite having equal qualifications.

Women are allowed to serve in the military voluntarily. At year's end, there were a total of 147 women--out of a standing force of approximately 51,000--serving in the military, including 7 officers. There are no restrictions on the type or location of assignments given to women.

Women's rights organizations are partly politically affiliated, and partly autonomous groups. They usually receive wide public attention when voicing their concerns. Despite fears of women's rights groups, the Government continued to provide government subsidies to these groups.

Children

The law provides for the protection of children's rights. Each provincial government and the federal Ministry for Youth and Family Affairs has an "Ombudsperson for Children and Adolescents" whose main function is to resolve complaints about violations of children's rights.

While 9 years of education are mandatory for all children beginning at age 6, the Government also provides free education through secondary school and subsidizes technical, vocational, or university education. The majority of schoolage children attend school. Educational opportunity is equal for girls and boys. Comprehensive, government-financed medical care is available for all children without regard to gender.

There is no societal pattern of abuse against children, although heightened awareness of child abuse has led the Government to continue its efforts to monitor the issue and prosecute offenders. The growing number of reported incidences of child abuse is considered a result of increased public awareness of the problem. In June the OVP and FPO reached a compromise agreement requiring doctors to report to the police suspected cases of child abuse and molestation. An exception may be made if the suspected abuser is a parent or sibling, in which case the report is not disclosed until an investigation is completed by the police.

According to the Penal Code, sexual intercourse between an adult and a child (under 14 years of age) is punishable with a prison sentence of up to 10 years; in case of pregnancy of the victim, the sentence can be extended to up to 15 years. Sex between a male ages 14 to 18 and an adult male are punishable with sentences ranging from 6 months to 5 years. In 2000 the Ministry of Justice reported 819 cases of child abuse, most involving intercourse with a minor. Of these cases, 249 resulted in convictions. Under the law, any citizen engaging in child pornography in a foreign country becomes punishable under Austrian law even if the actions are not punishable in the country where this violation was committed. The law also entails severe provisions for the possession, trading, and private viewing of pornographic materials. For example, exchanging pornographic videos is illegal even if done privately rather than as a business transaction.

Persons with Disabilities

The law protects persons with disabilities from discrimination in housing, education, and employment. A 1997 amendment to the law explicitly requires the State to provide for equal rights for the disabled "in all areas of everyday life." The law requires all private enterprises and state and federal government offices to employ one person with disabilities for every 25 to 40 employees, depending on the type of work. Employers who do not meet this requirement must pay a fee to the Government, and the proceeds help finance services for the disabled such as training programs, wage subsidies, and workplace adaptations. However, the law has received some criticism because many observers believe that penalties are too low to discourage companies from bypassing the requirement. There were no reports of societal discrimination against the disabled.

Federal law mandates access for the physically disabled; however, low fines and insufficient enforcement resulted in the inaccessibility of many public buildings to persons with disabilities.

On January 1, an omnibus bill on child custody went into effect that prohibits the sterilization of minors, particularly mentally handicapped girls below the age of 18. Those 18 and older only may be sterilized in life-threatening instances. Previously, mentally retarded minor girls could be sterilized involuntarily at the request of parents, and mentally retarded women could be sterilized involuntarily at the request of the responsible family member or by court order.

Religious Minorities

There is widespread societal mistrust and discrimination against members of some nonrecognized religious groups, particularly those considered to be sects. A large portion of the public perceive such groups as exploiting the vulnerable for monetary gain, recruiting and brainwashing youth, promoting antidemocratic ideologies, and denying the legitimacy of government authority. Societal discrimination against sects is, at least in part, fostered by the Government (see Section 2.c.). Muslims have complained about societal discrimination.

Sensitivity to Scientology in the country remained high. The Church of Scientology has reported problems obtaining credit cards, and individual Scientologists have experienced discrimination in hiring.

The leader of the country's Jewish community reported that persons within the community who took a stand against racism and xenophobia were subjected to anonymous verbal and written threats.

In October a 17-year old boy was charged with vandalizing 28 graves in an Islamic cemetery in Linz. Authorities stated that the boy was motivated by hatred of foreigners. He paid a fine to cover the cost of restoring the damage done to the graves.

National/Racial/Ethnic Minorities

The law recognizes six national minority groups: Croats, Czechs, Hungarians, Romas, Slovaks, and Slovenes. In the past, any community whose population was composed of at least 25 percent of one of these groups was entitled to bilingual town signs, education, media, and access to federal funds earmarked for national minorities. In December the Constitutional Court ruled that the standard should be only 10 percent; the Court cited international and historical precedence as its reasoning. The Government responded to the ruling by stating that it would submit implementing legislation to Parliament in 2002. The Governor of Carinthia, Joerg Haider, announced that he would not honor the Court's decision and alleged that the President of the Constitutional Court was influenced unfairly by Slovene groups.

The largest problem facing these national minority groups is the preservation of their culture and language. In addition most human rights groups claim that Roma face particular discrimination in employment and housing. Members of other minority groups such as Turks and Indians are not considered national minorities and do not have access to the same type of assistance.

Statistics for 2000 showed a decrease in the number of official complaints of neo-Nazi, rightwing extremist, and xenophobic incidents. During 2000 the Interior Ministry recorded 291 rightwing incidents, 36 xenophobic incidents, 9 anti-Semitic incidents, and 35 convictions. During the year, the Government continued to express concern over the activities of extreme-right skinhead and neo-Nazi groups, many with links to organizations in other countries.

In April the European Commission Against Racism and Intolerance published a report to the Government recommending the swift implementation of additional measures against racism, xenophobia, discrimination, and intolerance. The report noted that black Africans in particular, were subject to racism and discrimination, including by police (see Section 1.c.). Members of the Commission also expressed concern over the use of racist and xenophobic propaganda in national politics.

The Viennese Integration Fund published a report during the year that stated that the majority of immigrants in Vienna live in substandard housing. This included 69 percent of families from the countries of the former Yugoslavia, and 76 percent of Turkish households. Only 15 percent of citizens live in substandard housing. In March the Vienna city government announced the creation of a pilot program to integrate immigrants into government-owned housing.

In March the Austrian NGO ZARA, in conjunction with other groups, released a report entitled "Racism 2000", which found that persons from diverse ethnic and racial backgrounds continued to face widespread discrimination from government officials, particularly the police, as well as in the workplace and in housing. The report cited 130 different examples of discrimination faced by immigrants on a daily basis and called for the strengthening of public education and legal protections for immigrants.

In July the Anti-Defamation League and the Diplomatic Academy announced that the Government was working to incorporate a training program into the education system, designed to combat racism and educate participants in cultural sensitivity; the program was used successfully to sensitize members of the police. In July 2000, the Government passed a comprehensive prominority rights bill providing expanded constitutional protections for the country's six officially recognized minorities. In July 2000, in a related development, the Government approved the placement of bilingual town signs in Croat- and Hungarian-speaking areas of Burgenland province, an action pending since 1955.

During 2000 regional election campaigns, the FPO attempted to exploit the fears of many citizens that EU expansion and a continued influx of asylum seekers and refugees from the Balkans and other areas would result in uncontrolled immigration. The Vienna FPO chapter widely distributed placards carrying anti-immigrant slogans, including a call to stop "over-foreignization." These campaigns failed to garner widespread support among the electorate and have been criticized heavily by human rights groups for contributing to an atmosphere of intolerance.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form and join unions without prior authorization, under general constitutional provisions regarding freedom of association. In practice trade unions have an important and independent voice in the political, social, and economic life of the country. An estimated 52 percent of the work force are organized into 13 national unions belonging to the Austrian Trade Union Federation (OGB), which has a highly centralized leadership structure. Association of national unions with the OGB is voluntary. Individual unions and the OGB are independent of government or political party control, although formal factions within these organizations are allied closely with political parties.

The right to strike is not provided explicitly in the Constitution or in national legislation; however, it is recognized universally in practice. Historically strikes have been comparatively few and usually of short duration. A major reason for the record of labor peace is the unofficial system of "social partnership" among labor, management, and government. At the center of the system is the Joint Parity Commission for Wages and Prices, which has an important voice on major economic questions.

The law prohibits retaliations against strikers, and the Government effectively enforces the law. In general legal disputes between employers and employees regarding job-related matters are handled by a special arbitration court for social affairs, which is part of the judicial system. Unions have access to the arbitration court.

b. The Right to Organize and Bargain Collectively

Unions have the right to organize and bargain collectively. Almost all large companies, private or state-owned, are organized. Worker councils operate at the enterprise level, and by law workers are entitled to elect one-third of the members of the supervisory boards of major companies. Collective agreements covering wages, benefits, and working conditions are negotiated for each industry by the OGB with the National Chamber of Commerce and its associations, which represent the employers.

In cases of disputed terminations, the law obliges employers of enterprises with more than five employees to prove to a labor court that job dismissals are not motivated by antiunion discrimination. Employers found guilty of this offense are required to reinstate workers. Labor and business representatives remain in a longstanding disagreement over how to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

Typically legal disputes between employers and employees regarding job-related matters are handled by a special arbitration court for social affairs. The OGB is exclusively responsible for collective bargaining. The leaderships of the Chamber of Labor, the Chamber of Commerce, and the OGB are elected democratically.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, trafficking in women for the purpose of prostitution remained a problem (see Section 6.f.).

In 2000 former forced laborers filed suit against Austrian companies that used forced labor provided by the Nazi Government. In October 2000, an agreement was signed between the Government, attorneys representing former forced and slave laborers, and representatives of foreign governments, providing compensation for former forced and slave laborers. In July the first payments from the \$400 million (6 billion ATS) fund were sent to victims of forced and slave labor.

The Government prohibits forced and bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforced this law. The Government has adopted laws and policies to protect children from exploitation in the work place. On December 4, the Government ratified International Labor Organization Convention 182 on the Worst Forms of Child Labor.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

There is no legislated national minimum wage. Instead nationwide collective bargaining agreements set minimum wages by job classification for each industry. The estimated accepted unofficial minimum gross income is \$10,928 (171,451 ATS) per year, and it provides a decent standard of living for a worker and family. Every worker is entitled to a variety of generous social benefits.

Although the legal workweek is 40 hours, more than 50 percent of the labor force is covered by collective bargaining agreements that set the workweek at 38 or 38 1/2 hours.

Laws regularly enforced by the Labor Inspectorate of the Ministry of Social Affairs provide for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee. However, this option rarely is exercised; workers normally rely instead on the Chambers of Labor, which file suits on their behalf. The Labor Code provides that workers have the right to remove themselves from a job if they fear "serious, immediate danger to life and health" without incurring any prejudice to their job or career, and the Government effectively enforces this law.

f. Trafficking in Persons

There is no single law covering all forms of trafficking in persons, although several laws contain provisions that can be used to prosecute traffickers; however, trafficking in women for prostitution and domestic service was a problem. Austria is a transit and final destination country for women trafficked from Bulgaria, Romania, Ukraine, the Czech Republic, Slovakia, Hungary, and the Balkans; the women are trafficked into Austria and other western European countries, primarily for the purpose of sexual exploitation. Women also were trafficked from Asia and Latin America to Austria for domestic labor.

Most women were brought to Austria with promises of unskilled jobs such as nannies or waitresses. Upon arrival they were coerced or forced into prostitution. There also were cases of women who came to Austria explicitly to work as prostitutes but who then were forced into states of dependency akin to slavery. Most victims were in Austria illegally and feared being turned into authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over the victims. Victims of trafficking have reported being subjected to threats and physical violence. A major deterrent to victim cooperation is widespread fear of retribution, both in Austria and in the victims' countries of origin.

There are no accurate statistics on trafficked persons specifically; however, the number of intercepted illegal immigrants, of whom some were trafficking victims, continued to increase. Police estimated that one-fourth of trafficking in women in the country is controlled by organized crime. Austria is particularly attractive to traffickers due to its geographic location and to the fact that citizens of the Czech Republic, Slovakia, and Hungary do not require visas to enter the country.

The Interior Ministry works at the national and international level to raise awareness of human trafficking. Federal police units addressing organized crime and sex crimes also focused on this issue. Although prostitution is legal, trafficking for the purpose of prostitution is illegal, and can result in jail sentences of up to 10 years for convicted traffickers. In July 2000, the Government passed legislation implementing stronger penalties for alien smuggling including trafficking. The maximum penalty for the most serious offenses increased from 5 to 10 years' imprisonment. In 2000 the Interior Ministry, which is the primary government agency involved in antitrafficking efforts, reported that 125 complaints were filed under the law against trafficking for prostitution, of which 10 resulted in convictions. The Ministry of Interior estimated that most traffickers are prosecuted under criminal law provisions on alien smuggling.

In October in a high-profile case, the Government convicted the Carinthian "Porno King", Hellmuth Suessenbacher, and 10 others for trafficking in persons and other related offenses. Charges resulted from the trafficking of 50 Romanian women who were initially hired as dancers and subsequently forced into prostitution. Suessenbacher was sentenced to 21 1/2 years' imprisonment. The other defendants received sentences ranging from fines to up to 4 years' imprisonment. Suessenbacher appealed the sentence.

Some NGO's have called for an expansion of the legal definition of trafficking to include exploitation for domestic labor and coerced marriages. In March in response to a marked increase of illegal border crossings at Austria's eastern borders in the first half of the year, the Government set up a special task force to address trafficking.

The Government provides temporary residence to victims of trafficking who are prepared to testify or intend to

raise civil law claims; however, victims still rarely agree to testify, due to fear of retribution. The temporary residency status allows victims to stay in the country only during a trial; no provisions are made for them to stay in the country following their testimony. Virtually all victims of trafficking are deported.

The Government funds research on the problem of trafficking as well as NGO prevention efforts, including antitrafficking brochures and law enforcement workshops. The Government also provides funding for intervention centers that provide emergency housing and psychological, legal, and health-related assistance to victims. There is one NGO center that provides comprehensive counseling, educational services, and emergency housing to victims of trafficking. The Government also is active in U.N. and Organization of Security and Cooperation in Europe international efforts to combat trafficking.